

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FIRST AMERICAN BANK, an Illinois)
Banking institution,)
vs.)
Plaintiff,)
No. 13 C 3317
CARDINAL RESOURCES, LLC, KEVIN)
R. JONES, BARBARA H. JONES, and)
CAROL J. MCKEE,)
Defendants.)
Judge Iain D. Johnston

**PLAINTIFF FIRST AMERICAN BANK'S
MOTION FOR CONFESSION OF JUDGMENT**

Plaintiff First American Bank, by its counsel Duane Morris LLP, moves this Court to enter a Confession of Judgment against all Defendants for Cardinal's Breach of the Settlement Agreement and in support thereof states as follows:

ARGUMENT

As this Court is aware, Plaintiff attended a settlement conference before this Court, which was requested by Defendants, and the parties reached a settlement successfully mediated by this Court. The material terms of the settlement were recited into the record, which is under seal. A copy of the transcript which details the terms of the settlement is being tendered to the court under separate cover as those terms remain under seal and until further order of court. Thereafter, the parties reduced the oral settlement into writing but Defendants refused to execute the written agreement.

Defendants have failed to perform under the settlement agreement, refusing to make any settlement payments required under the agreement. Nearly two months have passed since the

parties agreed to terms; the due dates for multiple agreed-to payments have passed. Defendants avoided a trial by requesting a settlement conference, settled the case, and then refused to sign the settlement agreement and make payments.

On December 11, 2014, the parties attended a telephonic hearing with court regarding the Defendants' failure to sign the settlement agreement and make the first two required payments. During this hearing, Defendants' counsel attempted to propose new terms for settlement which are unacceptable. As this Court noted, the case is settled and the terms were already agreed upon by the parties. Defendants have breached the settlement agreement. Therefore, Plaintiff seeks to enforce the settlement agreement by way of the remedy agreed upon by the parties, which is a confession of judgment. The requisite affidavit to support the confession of judgment is also being tendered to the Court under separate cover.

CONCLUSION

For the above reasons, Plaintiff respectfully requests that this Court enter a Confession of Judgment against all Defendants joint and severally.

Respectfully submitted,

FIRST AMERICAN BANK

By: /s/ Mark D. Belongia
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